



COPY

PATENT
715-1-060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): John W. Liskowitz et al.

SERIAL NO.: 08/768,167

EXAMINER: Unknown

FILED: December 13, 1996

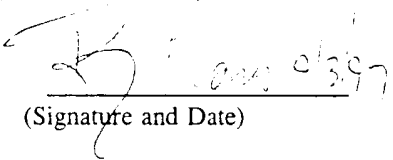
ART UNIT: Unknown

FOR: METHOD FOR PREPARING FLY ASH FOR HIGH COMPRESSIVE
STRENGTH CONCRETE AND MORTAR, AND COMPOSITIONS
THEREOF

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the ASSISTANT COMMISSIONER OF PATENTS, WASHINGTON, DC 20231 on September 3, 1997.

Barbara L. Renda, Reg. No. 27,626
(Name of Registered Representative)


(Signature and Date)

PETITION UNDER 35 U.S.C. §118 and 37 C.F.R. §§ 1.47(a)

ASSISTANT COMMISSIONER OF PATENTS
WASHINGTON, D.C. 20231

Dear Sir:

Applicants hereby petition under 35 U.S.C. §118 and C.F.R. §§ 1.47(a) and 1.64 for completing the requirements for filing the above-identified application under 35 U.S.C. §115 and 37 C.F.R. §1.63. Enclosed is a Declaration executed by co-inventors JOHN W. LISKOWITZ and METHI WECHARATANA who have executed the Declaration for themselves and on behalf of DENNIS JUST.

FACTS

The above-identified application was filed as a "normal" Application based upon U.S. Provisional Application No. 60/008,690, filed December 15, 1995.

At the time the invention disclosed and claimed in the above-identified application was made, and at the time of preparing the specification and claims of the above-identified provisional application, Dennis Just was collaborating with inventors Liskowitz and Wecharatana in the development of the invention disclosed and claimed therein.

Applicants' attorneys received a Notice to File Missing Parts of Application (Filing Date Granted) dated March 3, 1997 (attached Exhibit A). On March 12, 1997, in correspondence with Dr. Just, he was supplied with a copy of the application, as filed, and informed of the need to execute a Declaration and Power of Attorney for the above-identified Application in order to complete the filing requirements (attached as Exhibit B). On March 17, 1997 correspondence was received from Arno Szegvan of Union Process, the employer of Dennis Just, indicating receipt of the Declaration, and attendant correspondence, but an unwillingness on the part of Union Process to allow Dr. Just to execute the Declaration due, allegedly, to costs associated with "legal fees" (attached as Exhibit C). Further correspondence between Mr. Szegvari and Dr. Peter Lederman of New Jersey Institute of Technology (the assignee of Drs. Liskowitz and Wecharatana) as well as repeated telephone contacts between counsel for the parties has not resulted in the resolution of the impasse with respect to Dr. Just's execution of the necessary Declaration. On September 3, 1997, in a telephone conference between the undersigned and Reese Taylor of the Renner, Kenner, Grieve, Bobak, Taylor & Weber firm, counsel for Union Process, Mr. Taylor indicated that it was still the position of Union Process that Dennis Just

would not sign the Declaration for the above-identified application due to their view as to the negative financial impact of supporting a patent filing.

The last known address of Dennis Just is Union Process Inc., 1925 Akron Peninsula Road, Akron, Ohio 44313.

PETITION

In view of the foregoing facts, Applicants and Applicants' assignee, The New Jersey Institute for Technology, request that the present application be regarded as complete under 35 U.S.C. §115 and 37 C.F.R. §§1.63 and 1.64 pursuant to 35 U.S.C. § 118 and 37 C.F.R. §1.47(a). Granting of this petition is necessary to preserve the parties rights and to prevent irreparable damage to Applicants and Applicants' assignee. Abandonment of this application will eliminate the application disclosing and claiming inventive subject matter. Thus, pendency of the present application is necessary to provide Applicants with their full rights to this invention.

This Petition is accompanied by a check for \$130.00 for the required fee under 37 C.F.R. §1.17(h). Applicants hereby authorize that any charges in addition to the above authorized that relate to the filing and processing of the present Application in accordance with 37 CFR 1.16 and 1.17 may be charged to Deposit Account No. 11-1153. A duplicate copy of this letter is provided for this purpose.

PRAYER FOR RELIEF

Applicants and Applicants' assignee, New Jersey Institute for Technology, pray for grant of this petition. This action is necessary to preserve the rights of the parties and to prevent

irreparable damage. Early and favorable action on this Petition is earnestly solicited.

Respectfully submitted,

KLAUBER & JACKSON

A handwritten signature in cursive script, appearing to read "Barbara L. Renda", written over a horizontal line.

BARBARA L. RENDA

Attorney for Applicant(s)

Registration No. 27,626

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